

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chambers of the Municipal Building on Tuesday, April 19, 2022 at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	
Charlotte C. Williams	Aldermen	David P. Zagaroli
		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present except for Alderman Seaver and Alderman Williams
- II. Invocation by Associate Pastor Lori Blocker, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. United Arts Council of Catawba County - Presentation by Ingrid Keller, Executive Director.

Mayor Guess asked Executive Director Ingrid Keller of the United Arts Council of Catawba County to the podium for a presentation.

Board of Directors President Erin Hooks of the United Arts Council of Catawba County came to podium for the presentation.

United Arts Council of Catawba County, Erin Hooks appreciated the opportunity to speak to Council. She advised she was a resident of Hickory and President of the Board of Directors of the United Arts Council of Catawba County. As most of them knew their longtime Executive Director, Katherine Greathouse, retired in December of last year after a wonderful 26-years of service. They appreciated those Councilmembers who attended her retirement party and they especially appreciated Mayor Hank Guess for presenting a Proclamation in her honor. It was a very special and meaningful celebration for all of them. She advised present tonight was also their new Executive Director, Ingrid Keller, who was also a resident of Hickory. Everyone at the Arts Council were completely confident moving forward with Ingrid at the helm of their organization. Many of them may have known of her work as the Executive Director of the Western Piedmont Symphony for the past five years. She had a great understanding of all the wonderful cultural programs and assets here in this community and did not take lightly the privilege that she now has in supporting and advocating for their creative economy. On behalf of their Board of Directors she thanked Council for their support. The Arts Council took great pride in being designated by the North Carolina General Assembly as a designated County partner for local arts agencies. As such, they were granted Grassroots Program Funding from the North Carolina Department of Cultural Resources. These funds must be matched by local government dollars for which they annually request \$1 per citizen. Matching dollars were also required from grant applicants compounding the City of Hickory's allocation from \$1 to at least \$4 spent in their community. They have a structure for granting the City's funds to solid, reputable, stable nonprofits, municipalities and education institutions for projects that effectively reach their geographically and culturally diverse community. They reward collaborations through their collaborative arts project grant, which was instrumental in funding things like the 150th celebration of the City of Hickory. They also have a community cultural fund that supports concerts and festivals that were free to the public. This had provided funding for "Swinging Under the Stars" in downtown and the "Art in the Park" event at the Women's Resource Center. This coming year they would utilize State Grassroots Funds through their projects pool of grants to support projects like arts programs at Centro Latino, the Footcandle Film Festival and an interactive outdoor dance program by Hickory Ballet and Performing Arts that would provide free family friendly performances in area parks. Next month they were so excited to launch a new year long economic impact study through Americans for the Arts. The last one they participated in was in 2015; which was when she moved here, and it was the first time she was able to meet so many people at the United Arts Council and the community; through which they learned that their incredible arts, science, and history organizations generated \$49.2 million dollars in economic impact annually in Catawba County. It proved that their creative industries were an important part of their economy. They were keen to get started on the new study and just could not wait to share its findings with Council. The United Arts Council considers themselves the City's cultural arm and they work hard, and they work smart to serve the City well. She thanked Council again for their past support and hoped that they would support them in the next fiscal year. She thanked Council for their time and the opportunity to speak. She advised she and Ingrid were happy to answer their questions, any that they may have, and they invited them to contact the Arts Council if they ever had any thoughts or questions about utilizing and developing the cultural resources that were so many here in Hickory. She thanked Council.

Mayor Guess thanked Ms. Hooks. He did not know if they had any questions, but certainly if they had any questions, they were present and they could ask them. He did not have any himself. He commented on behalf of the Council, they appreciated the partnership and all that she and Ms. Keller and other staff members do, and he hears oftentimes, not only from people who live here, but people who were new here about what a fantastic opportunity it was and how they enjoy the United Arts Council and all that they do for the community. It was well known, and it had a great reputation, and they appreciated all the support that they gave the City.

Ms. Hooks commented it was their honor and their pleasure.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of April 5, 2022.

Aldерwoman Patton moved, seconded by Alderman Zagaroli that the Minutes of April 5, 2022 be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Aldерwoman Patton moved, seconded by Aldерwoman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Approval of an Ordinance to Implement a Speed Limit Reduction to 25mph Along 10th Street Place NW between 17th Avenue and 21st Avenue NW. (First Reading Vote: Unanimous)

B. Budget Revision Number 17. (First Reading Vote: Unanimous)

C. Budget Revision Number 18. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Aldерwoman Patton moved, seconded by Mayor Guess approval of the Consent Agenda. The motion carried unanimously.

A. Approved Awarding the Service Weapon and Badge to Retiring Sergeant Dawn Hatley.

Hickory Police Department requests City Council's approval to award retiring Sergeant Dawn Hatley her service weapon (Glock Model 17 - Serial # BMWU158) and badge upon her retirement May 31, 2022 after completing 18 years of qualifying service to the citizens of Hickory. By authority of North Carolina General Statutes, City Council may award the service weapon and police badge to Sergeant Dawn Hatley upon her retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff recommends approval of awarding the service weapon and police badge to Sergeant Dawn Hatley upon her retirement from Hickory Police Department.

B. Approved a Resolution to Amend Part IV Hickory and Conover Occupancy Tax Section 4.1 (a) and (b) Amended to Replace the Year 2029 with the Year 2039.

In order for the City of Hickory to consider taking on additional debt for the Hickory Conover Tourism Development Authority (HCTDA), the City of Hickory needs to guarantee that legislation allows for Occupancy Tax to go toward paying off the borrowed debt. Therefore SB 552 needs to be extended to 2039 to ensure that 2/3 occupancy taxes are available to pay off the debt. The remaining 1/3 occupancy taxes go toward marketing the community to visitors. The HCTDA is requesting support of extending the current legislation until 2039 from Hickory City Council, Conover City Council, and the Catawba County Commissioners as these three government entities have been a part of forming the HCTDA, which does business as the Hickory Metro Convention Center and Visitors Bureau.

RESOLUTION NO. 22-18
RESOLUTION IN SUPPORT OF THE
HICKORY-CONOVER TOURISM DEVELOPMENT AUTHORITY'S
AMENDMENT TO SPECIAL LEGISLATION

THAT, WHEREAS, Senate Bill 896 was enacted by the General Assembly of North Carolina during the 1985 Session (Short Session 1986) and ratified as the 1985 Session Laws Chapter 929; and

THAT WHEREAS, the provisions of the 1985 Session Law-Chapter 929 the City of Conover and the City of Hickory by joint resolutions levied a room occupancy tourism tax; and

THAT WHEREAS, the City of Hickory and the City of Conover authorized the acquisition and improvement of the Hickory Metro Convention Center in 1998 and the occupancy tax proceeds were used to make lease payments which in turn provided for the payment of the original construction and improvement of the Convention Center; and

THAT WHEREAS, in 2004 the Board of Commissioners of the County of Catawba, the City Council of the City of Hickory, North Carolina, and the City Council of the City of Conover adopted joint resolutions approving Hickory's expansion and improvement of the Hickory Metro Convention Center, and amending the Lease to Hickory-Conover Tourism Development Authority to provide for the expansion of the Convention Center, provide for the co-location of the Catawba County Economic Development Corporation with the Convention and Visitors Bureau to coordinate with nearby facilities including the higher Metro Education Centers, the Catawba County Chamber of Commerce, the Western Piedmont Council of Governments and various other client services such as hotels/motels and dining; and

THAT WHEREAS, House Bill 533 was enacted by the General Assembly of North Carolina as Session Law 2009-169 that made administrative changes to the Room Occupancy and Tourism Development Tax; and

THAT WHEREAS, Senate Bill 552 enacted as Session Law 2017-202 was also adopted then to make Occupancy Tax changes affecting the City of Hickory and Conover; and

THAT WHEREAS, the Hickory Metro Convention Center has served as a focal point for Western North Carolina business and industry as has been suggested by Foresight, Future Forward, Priority One and other regional studies and plans; and

THAT WHEREAS, the Hickory-Conover Tourism Development Authority recognizes that a renovation and Plan for Expansion is necessary as well as overall upgrading of the Convention Center to maintain the current customers' needs as well as add additional space with 30-foot ceilings as well as having an upscale area that spotlights the heritage of manufacturing furniture in the Catawba Valley Region; and

THAT WHEREAS, the Hickory-Conover Tourism Development Authority and the operations of the Convention Center have been a key economic engine providing an economic benefit to the entire Catawba Valley region for more than twenty-four (24) years since the facility first opened.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Hickory City Council does hereby affirm its continued efforts to promote travel and tourism in the area, and to continue the mission and recognize that the Convention Center is truly an economic engine, and its effects are far reaching to promote a sound and stable economy.

NOW THEREFORE, BE IT HEREBY RESOLVED that Session Law 2017-202 be amended in Part IV Hickory and Conover Occupancy Tax Section 4.1(a) and (b) to amended to replace the year 2029 with the year 2039 to allow funds to continue to be used to finance improvements to the Convention Center facilities including Parking facilities for the Convention Center.

- C. Approved an Order to Advertise All Real and Personal Current Fiscal Year Tax Amounts for the City of Hickory Limits for Burke and Caldwell Counties in the Hickory Daily Record in an Attempt to Collect the Delinquent Taxes.

General Statute 105-369(a) mandates that the tax collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. G.S. 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably,

immediately upon receipt of the tax collector’s report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers of the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an “automatic stay” immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed City Council of the unpaid tax amounts for the current fiscal year. It is recommended that City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record in an attempt to collect the outstanding taxes. 2021 Caldwell County Real Property Tax in the Amount of \$1,233.04 and 2021 Burke County Real Property Tax in the amount of \$91.79; Personal Property Tax in the amount of \$2,154.59 and Business Personal Property Tax in the amount of \$3,410.16 for a total of \$5,656.54.

- D. Approved the Agreement for Professional Services with Thompson-Gordon-Shook (TGS) Engineers, Inc. in the Amount of \$465,019.31 for Services Related to 17th Street NW Extension.

Staff requests Council’s approval of the agreement for professional services with Thompson-Gordon-Shook (TGS) Engineers, Inc. for services related to preliminary engineering and design, and right-of-way services for 17th Street NW Extension (HL-004) in the amount of \$465,019.31, contingent upon North Carolina Department of Transportation concurrence. The City of Hickory received \$6 million dollars from a Surface Transportation Block Grant – Direct Attributable Award in 2020 from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17th Street NW from 9th Avenue NW to Clement Boulevard NW. This new connector will serve as an alternate to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus. The connection would also provide a safer route for cyclists to reach Aviation Walk that includes a bicycle and pedestrian bridge over US 321 north of Clement Boulevard. Staff recommends Council’s approval of the agreement for professional services with TGS Engineers, Inc. for services related to preliminary engineering and design, and right-of-way services for 17th Street NW extension (HL-004) in the amount of \$465,019.31, contingent upon NCDOT concurrence.

- E. Approved the Citizens’ Advisory Committee Recommendations for Assistance through the City of Hickory’s Housing Programs.

The following applicants were considered by the Citizens’ Advisory Committee at their regular meeting on April 7, 2022; and is now being recommended for approval for assistance under the City of Hickory’s housing assistance programs.

- William Fowler, 323 4th Street Place SW, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens’ Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to his house. Assistance would be in the form of a zero percent interest deferred loan.
- Eugenia Farrer, 412 2nd Street SW, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens’ Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a zero percent interest deferred loan.

Funds are budgeted for these items through the City of Hickory’s former Housing Rehabilitation Program income received in FY 2021 and/or program income received through the City of Hickory’s Community Development Block Grant Program. The Citizens’ Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory’s housing assistance programs.

- F. Approved on First Reading Budget Revision Number 19.

ORDINANCE NO. 22-19
BUDGET REVISION NUMBER 19

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinance noted herein.

SECTION 1. To amend the Solid Waste Fund within the FY 2021-22 Budget Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Environmental Protection	80,000	-
TOTAL	80,000	-

To provide funding for the above, the Solid Waste Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	80,000	-
TOTAL	80,000	-

SECTION 2. To amend the General Fund within the FY 2020-21 Budget Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	93,004	-
Public Safety	2,550	-
TOTAL	95,554	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	95,628	2,624
Miscellaneous Revenue	2,550	-
TOTAL	98,178	2,624

SECTION 3. To amend the 17th Street Northwest Extension (#546018) Capital Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	465,020	-
TOTAL	465,020	-

To provide funding for the above, the 17th Street Northwest Extension (#546018) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	93,004	-
Restricted Intergovernmental	372,016	-
TOTAL	465,020	-

SECTION 4. To amend the Justice Assistance 2020 (#G51102) Grant Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Public Safety	-	206
Other Financing Uses	55	-
TOTAL	55	206

To provide funding for the above, the Justice Assistance 2020 (#G51102) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings	1	-
Restricted Intergovernmental	-	152
TOTAL	1	152

SECTION 5. To amend the PTI Building Reuse (#G5010G) Grant Project Ordinance the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Economic & Community Development	-	104,996
Other Financing Uses	2,513	-
TOTAL	2,513	104,996

To provide funding for the above, the PTI Building Reuse (#G5010G) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental	-	102,850
Investment Earnings	397	-
TOTAL	397	102,850

SECTION 6. To amend the Design Foundry Building Reuse (#G5010H) Grant Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	29	-
TOTAL	29	-

To provide funding for the above, the Design Foundry Building Reuse (#G5010H) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Miscellaneous Revenue	-	12,500
Investment Earnings	29	-
TOTAL	29	12,500

SECTION 7. To amend the Coronavirus Emergency Supplemental Funding (#G51101) Grant Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	17	-
TOTAL	17	-

To provide funding for the above, the Coronavirus Emergency Supplemental Funding (#G51101) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings	17	-
TOTAL	17	-

SECTION 8. To amend the Bulletproof Vest Partnership 2020 (#G51103) Grant Project Ordinance, the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	10	-
Public Safety	-	621
TOTAL	10	621

To provide funding for the above, the Bulletproof Vest Partnership 2020 (#G51103) revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Investment Earnings	10	-
TOTAL	10	-

SECTION 9. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:

A. Public Hearings

1. Approved on First Reading Consideration of Rezoning Petition Number 22-06 for 8.84 Acres of Property Located on Valley Arbors Drive, Between Robinson Road and 21st Street SE, from Planned Development to an Amended Planned Development – Presentation by Planning Director Brian Frazier.

The applicant has submitted a petition for property located on Valley Arbors Drive, between Robinson Road and 21st Street SE, PIN 3711-11-56-5918, requesting to amend the existing Planned Development (PD). The master plan, and supplemental documentation, provided as part of the petition depicts the development as being multi-family residential in nature. The 8.84-acre property is zoned Planned Development (PD), but the applicant is hoping to amend the terms of the PD. The plans depict the property as consisting of four residential apartment buildings, which contain 112 dwelling units. In total, the proposed development would consist of a density of roughly 12.7 units per acre. Hickory’s Land Development Code (Section 5.1) permits multi-family planned developments at a maximum density of 20 units per acre. The development is proposed to be a little more than half of what would normally be permissible. The Hickory Regional Planning Commission conducted a public hearing on March 23, 2022, to consider the petition and acknowledged the petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the

Hickory Regional Planning Commission voted unanimously (9-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 8, and April 15, 2022.

City Manager Warren Wood asked Planning Director Brian Frazier to the podium to present Council with rezoning petition number 22-06 for 8.84 acres of property located on Valley Arbors Drive, between Robinson Road and 21st Street SE from planned development to an amended planned development.

Planning Director Brian Frazier presented a PowerPoint presentation. He advised the property was located at 3405 Valley Arbors Drive off of Robinson Road. The current zoning was planned development. It was very a historic and expansive planned development. It went from 21st Street all the way over to Robinson Road. It had been there since the 80s and was just under nine acres inside this parcel. The applicant submitted a petition requesting to amend the existing planned development. The master plan and supplemental documentation provided as part of the petition depicted the development as being multifamily, apartment, residential nature. The applicant submitted a petition requesting to amend the current planned development (PD) designation to allow for a total of 112 apartment units. He referred to the PowerPoint and pointed out on a map the subject property, just under nine acres. He displayed the future land use map and pointed out the subject area. He pointed out areas on the map and advised the base zoning was regional, commercial, low-density residential. He pointed out Catawba Valley Boulevard, Valley Arbors Drive, and Robinson Road. He displayed the Hickory Extra Territorial Jurisdiction (ETJ) map and pointed out the C-3 area located off of Catawba Valley Boulevard, 21st Street which ended in a dead end. There were some office buildings, retail, the movie theater, Mosteller Apartments, including the 78 that were just about finished. They had been going through final inspection with them. He pointed out the parcel in question, Valley Arbors Drive, and Robinson Road. He displayed an aerial ortho photo from 2021 and pointed out the property in question, Catawba Valley Boulevard, 21st Street, the movie theater, Robinson Road, the Mosteller Apartments, the older ones and then the newer ones, the 78 units that were getting ready for a certificate of occupancy, and the property in question. He displayed a preliminary site plan that was presented by the applicant Delphi to the Planning Commission. He displayed an architectural elevation sketch. He noted the front elevation here which was four-story, and on the rear elevation, three, it was on a hillside. He displayed a sketch of some side elevations for the apartments. He noted there would be some garages, there would not be a total of 112 but there would be some garages with the apartments for an additional fee. He displayed another sketch of another building elevation, architectural drawings. The property was vacant and was currently zoned PD. The area classified was regional commercial by Hickory by Choice 2030. The regional commercial future land use classification was discussed on 3.7 Table, 3.1 and Section 3.10 of the comp plan. These classifications consisted of areas found to be suitable for high density residential development. Then in table 3.1, one of the characteristics noted of the regional commercial classification was described as multi-family and upper floor residential. There was some office over there, quite a bit of heavy commercial retail space and associated apartment buildings with a smattering of single family. The PD zoning district was not listed as the implementing district in Hickory by Choice 2030, but as they knew each PD was considered on an individual case by case basis. The proposed project would result in a density of roughly 12.7 units per acre. The development proposed was proposed to be a little more than half of what would normally be permissible in the PD. Given these factors, the rezoning of the property to the planned development designation was believed consistent with the findings and recommendations of Hickory by Choice 2030. He discussed the findings and recommendations. The Planning Commission conducted a public hearing on March 23rd, during the hearing the developer's representative Mr. Harry Pilos provided the Commission with an overview of the proposed residential development. No residents were in attendance to speak out in opposition. He believed they only had one phone call which was just an inquiry as to what was going on. Upon closing the hearing, the Planning Commission acknowledged the petitions consistency with Hickory by Choice 2030 and based on the findings, the Planning Commission voted unanimously 9 to 0 to recommend approval of the petition and City staff concurred with the recommendation of the Planning Commission. He asked Council for any questions.

Mayor Guess asked Council for have any questions for Mr. Frazier.

Alderman Wood asked if there was a proposed development for this property that let it be zoned planned development originally.

Mr. Frazier responded, yes sir. It was a very expansive PD that basically went from Catawba Valley Boulevard south past Valley Arbors Drive taking in all of the shopping centers in the area and then on the eastern side was 21st which dead ends, what was known as The Legends 1 and 2, which was now all known as Mosteller all the way over to Robinson Road, just south of Valley Arbors Drive. Back in the 80s, early 90s, this area, particularly this 8.84 acres, was approved for 74 townhome units, but since then the density had been modified, so the 112 actually comes under the total density.

Alderman Wood thanked Mr. Frazier for clarifying that.

Mr. Frazier commented it was quite the history. They found a lot of it in the vault.

Alderwoman Williams asked what the timeframe was.

Mr. Frazier did not know. He advised that Mr. Pilos was in attendance, and he may possibly be able to answer that question for her.

Mayor Guess asked Mr. Pilos if he knew the timeframe.

Mr. Harry Pilos advised if it was approved today, they should be able to start by the fall, October/November and get working drawings.

Mayor Guess asked for any other questions. He explained the rules for conducting the public hearing. He declared the public hearing open and asked if there was anyone present to speak in opposition to the proposal. No one appeared. Mayor Guess asked if there was anyone present to speak in favor of the proposal. No one appeared. Mayor Guess closed the public hearing.

Alderwoman Patton moved, seconded by Alderman Zagaroli approval of rezoning petition number 22-06. The motion carried unanimously.

ORDINANCE NO. 22-20

AN ORDINANCE OF THE HICKORY CITY COUNCIL AMENDING THE OFFICIAL HICKORY ZONING ATLAS TO REZONE +/- 8.84 ACRES OF PROPERTY LOCATED ON VALLEY ARBORS DRIVE, BETWEEN ROBINSON ROAD AND 21ST STREET SE. FROM PLANNED DEVELOPMENT (PD) TO AN AMENDED PLANNED DEVELOPMENT (PD).

WHEREAS, Article 2, Section 2.2 of the Hickory Land Development Code provides for amendments to the Official Zoning Atlas; and

WHEREAS, the City has been petitioned to rezone +/- 8.84 acres of property located on Valley Arbors Dr., between Robinson Road and 21st Street SE, more particularly described on Exhibit A attached hereto, to allow a Planned Development; and

WHEREAS, the Hickory Regional Planning Commission considered the proposed rezoning during a public hearing on March 23, 2022, and forwarded a recommendation of approval to the City Council; and

WHEREAS, Article 2 of the Hickory Land Development Code requires finds the proposed rezoning is in response to changing conditions and is reasonably necessary to promote the public health, safety, and general welfare; and

WHEREAS, the City Council has found Petition 22-06 to be in conformance with the Hickory by Choice 2030 Comprehensive Plan and Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the City Council of Hickory, North Carolina, THAT THE REZONING OF PROPERTIES LOCATED ON VALLEY ARBORS DRIVE, BETWEEN ROBINSON ROAD AND 21ST STREET SE, DESCRIBED IN EXHIBIT A is approved.

SECTION 1. Findings of fact.

1. The subject property is located on Valley Arbors Dr., between Robinson Road and 21st Street SE, and identified as PIN 3711-11-56-5918.
2. The rezoning request is intended to further implement the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

3. The rezoning of the property is consistent with the Hickory by Choice 2030 Comprehensive Plan.

SECTION 2. All ordinances or provisions of the Hickory City Code which are not in conformance with the provisions of the Amendment occurring herein are repealed as of the effective date of this Ordinance.

SECTION 3. Statement of Consistency and Reasonableness

Upon considering the matter, the Hickory City Council found:

1. Consistency of the proposed zoning with the Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030) and the stated Purpose and Intent of this Land Development Code;

The vicinity in which the subject property is located is classified Regional Commercial by the Hickory by Choice 2030 Comprehensive Plan. Regional Commercial future land use classification is discussed on pages 3.7 (Table 3.1) and 3.10 of the comprehensive plan. In summary, these classifications consist of areas found to be suitable for high density residential development. Specifically, in Table 3.1, one of the characteristics of the Regional Commercial classification is described as “multi-family and upper floor residential.”

Within the Goals and Policies section of Chapter 3 of the comprehensive plan a number of goals and policies are provided that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

- Goal 1 discusses the expectation new development will “fit in”. The subject property is located within an area that is already used for high-density residential.
- Goal 2 indicates neighborhoods should be designed to provide pedestrian access to daily services. The proposed development is within a short distance of larger shopping areas along Catawba Valley Boulevard and U.S. 70. While walking to these areas may not be ideal, their close proximity would reduce cross-town commutes for goods and services.
- Goal 3 references the need to provide balance between development and open spaces. The development proposal shows roughly 10%, or approximately 1 acre, of the development’s total area as being undisturbed space.
- Goal 4 discusses the locations of industrial uses. Being the development is absent of industrial uses, this goal would not pertain to the development proposal.
- Goal 5 is very similar to Goal 2 but goes further in outlining the need to promote mixed use areas that provide convenient access to amenities and employment areas. As previously outlined the location of the subject property provides access to amenities (retail and services), as well as close proximity to employment areas.
- Goal 6 relates to citizen participation in planning. With the project falling under the Planned Development process, which requires notices and hearings; the public will be afforded the opportunity to provide input regarding the proposal.

SECTION 4. This Ordinance shall become effective upon adoption.

B. Departmental Reports:

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)	VACANT
Other Minority (Council Appoints)	VACANT
other Minority (Council Appoints)	VACANT
Differently Abled and is African American or Other Minority (Council Appoints)	VACANT
Differently Abled (Council Appoints)	Beth Whicker
	(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints) VACANT
(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT

RECYCLING ADVISORY BOARD
(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) (Lona Hedrick Resigned 1-11-2022) VACANT

YOUTH COUNCIL
(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard	VACANT
Homeschool	VACANT

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3)(5) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)
- Mayor Guess moved that Council go into closed session to consult with the attorneys to discuss the items below.
- City Manager Warren Wood advised with the exception of discussion of potential property acquisition, that would not be discussed.
- Mayor Guess struck the discussion of potential property acquisition and advised they would consider the approval of the closed session minutes and the discussion of potential litigation; Alderwoman Patton seconded the motion. The motion carried unanimously.
1. Approval of Closed Session Minutes of March 15, 2022 - NCGS §143-318.11(a)(1)
 2. Discussion of Potential Litigation – NCGS §143-318.11(a)(3).
 3. Discussion of Potential Property Acquisition - NCGS §143-318.11(a)(5).
- Council convened to closed session at approximately 7:19 p.m.
- Mayor Guess moved, seconded by Alderwoman Patton to reconvene to open session. The motion carried unanimously. Council reconvened to open session at approximately 7:58 p.m.
- Mayor Guess moved, seconded by Alderwoman Patton, for approval, and without waiving privilege, that City Council approve those actions of the City Manager and Counsel Rosenwood Rose in being engaged to protect and preserve the City of Hickory’s legal interests and rights as they relate to the City Walk Project and related iconic arches collapse, including instituting an action or other legal filings as necessary, and continue to do so. The motion carried unanimously.
- XV. There being no further business, the meeting adjourned at 8:00 p.m.

_____ City Clerk	_____ Mayor
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